

**NIELSEN MERKSAMER
PARRINELLO GROSS & LEONI LLP**
ATTORNEYS AT LAW
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TELEPHONE (415) 389-6800 FAX (415) 388-6874

July 12, 2013

VIA PDF EMAIL & FEDERAL EXPRESS

14044362476
Jeff S. Jordan, Supervisory Attorney
Complaints, Examination and Legal Administration
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RE: MUR 6734; Elizabeth Wiskemann

Dear Mr. Jordan:

Mrs. Wiskemann most likely was contacted by you by letter dated May 14, 2013, questioning whether a complaint the FEC received from Citizens for Responsibility and Ethics had correctly identified her as exceeding her 2011-2012 biennial limit by approximately \$41,400.

I say "most likely" because she is a widow in her mid eighties who disposes of most of her non-personal mail and has no recollection of receiving your letter. But your letter and the complaint was brought to her attention when I sent a redacted copy of it to her accountant, Joe Silvestri, at PricewaterhouseCoopers LLP in San Francisco, once he retained this firm to represent her. My references to Mrs. Wiskemann in this letter are based on communications to me through Joe Silvestri.

Your letter provided her an opportunity to demonstrate in writing that no action should be taken against her in this matter, and your office accepted our law office as her counsel and allowed her to reply by July 6, 2013. (See Attachments #1 and #2.) On July 5, 2013, I phoned Frankie Hampton in your office requesting that Mrs. Wiskemann be given a few more days to complete her remedial activities, and she extended the reply deadline to July 12, 2013.

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Mrs. Wiskemann and her accountant have reviewed and approved this letter written on her behalf, and she will submit statements under oath if asked.

Mrs. Wiskemann had no knowledge that federal campaign law included biennial limits. She understood that the Federal Election Campaign Act had a per candidate per election limit, and she relied on the committees to not request from her more than she was allowed to contribute. She did not know the Act had a biennial limit for 2011-2012 of \$117,000 for all her federal contributions and different limits for candidates, Parties and PACs.

Mrs. Wiskemann does not remember any committees to whom she contributed informing her of this limit.

Introduction

Mrs. Wiskemann has been making contributions to federal candidates, national parties and local parties and PACs for years, as did her husband before his death. She remembers no discussion of a biennial limit, but she says she would certainly have complied with it had she known.

Request for no Action

Because Elizabeth Wiskemann (1) is taking full responsibility for not knowing there were biennial limits, (2) has sought and received refunds in excess of the total amount she exceeded the biennial limits to (a) candidate committees, and to (b) PACs and to (c) PACs and state party committees, (3) has been informed by me, through Joe Silvestri, that the *McCutcheon* case will soon answer whether these biennial limits are constitutional and (4) is cooperating with your request for information in this matter, she asks that no action should be taken against her for this inadvertent violation.

Summary of Enclosed Documents

This law firm did not represent Elizabeth Wiskemann before being asked to do so by Mrs. Wiskemann's accountant once he learned that she had exceeded her biennial limits. Mrs. Wiskemann does not have a bookkeeper, and her only records of checks paid is the written documentation in her checkbook.

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Therefore, she does not have an easily summarized detailed accounting of her federal contributions in 2011 and 2012. Consequently, this office used the FEC website (we not only searched by her name, but we also searched by a number of close variations of her name and by her address) to identify all her federal contributions in 2011-2012, and we then arranged these contributions in chronological order and categorized them by contributions to (1) candidates, (2) national parties, (3) PACs and federal accounts of state and local parties and (4) "not subject to limit" contributions. (See Attachment #3.)

Actions Taken to Come Within Limits

After providing these charts to Joe Silvestri, he, and persons retained to assist him, immediately commenced communications with many of the committees to whom she contributed seeking refunds.

They were successful in obtaining \$43,500 candidate refunds, thus reducing her net 2011-2012 candidate contributions to be \$11,975 under her 2011-2012 individual biennial limit (prior to these refunds, she had exceeded her candidate limit by \$36,525 (see Attachment 3 and 4, with copies of the refund checks). Three committees promised refund checks that should be received soon for a total of an additional \$6,000 more below the biennial limit.

As attachment #3 also shows, she had exceeded her 2011-2012 limit to Parties and PACs by \$2,000, and her agents sought and received refunds payable to her of \$9,200. These two PAC refunds reduced her national parties, PACs and local parties to \$7,200 below the limit. (See Attachments 4 and 3.) These same two refunds of \$9,200 also changed her \$4,850 over limit total for PACs and local party committees to \$4,350 below that biennial limit.

Therefore, before these refunds her total over the limit amount was \$38,525 (see Appendix 3), and now it is \$14,175 below the limit.

Future Compliance

By using our firm's Excel spreadsheets, or a similar method, on Elizabeth Wiskemann's behalf, Joe Silvestri will henceforth ensure that her federal contributions remain within the applicable biennial limits, if those limits remains the law. Mr. Silvestri now understands the biennial total limits, and he

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understands the very confusing sub-limits by categories and has retained this firm to assist him if needed.

Summary

Elizabeth Wiskemann would have never intentionally violated the FECA biennial limits, and she apologizes for her inadvertent actions. Mrs. Wiskemann believes she has done everything possible to remedy her over limit contributions from those who received them, enough to now be well within those limits, and she now has a compliance system in place to track all her future federal contributions.

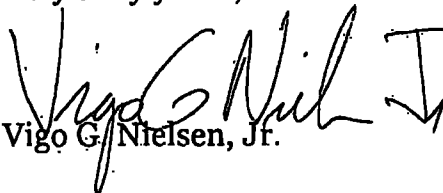
Mrs. Wiskemann asks the Commission to take these facts into consideration as you address this matter, and she asks the FEC not to take action against her.

Alternative Dispute Resolution

Should the Commission conclude that Mrs. Wiskemann's facts and remedial efforts to comply with the Federal Election Campaign Act were, and are, not enough to avoid moving forward, I have explained to Joe Silvestri, who has explained to her, that the FEC has an Alternative Dispute Resolution process, how it works and why the Commission should be asked to approve it for this matter if enforcement is to ensue. Since there are no facts in dispute, Mrs. Wiskemann prefers ADR and prefers a speedy resolution. She and her accountant will cooperate fully and timely.

Please feel free to contact me if you need any additional information or if you want to discuss this matter with me, Joe Silvestri or Elizabeth Wiskemann.

Very truly yours,


Vigo G. Nielsen, Jr.

VGN/cll
Enclosures
#8260.01

14044362479

Attachment #1

14044362480

Chip Nielsen

From: Chip Nielsen
Sent: Friday, May 31, 2013 12:19 PM
To: 'fhampton@fec.gov'
Cc: joe.silverstri@us.pwc.com
Subject: Statement of Designation of Counsel from Elizabeth Wiskemann
Attachments: Elizabeth Wiskemann Designation of Counsel.pdf

TO: Frankie D. Hampton, Paralegal Specialist
Federal Election Commission
Office of General Counsel, CELA Division
999 E Street, N. W.
Washington, DC 20463

FROM: Vigo, G. Nielsen, Jr., counsel to Elizabeth Wiskemann

DATE: May 31, 2013

RE: MUR 6734

Attached please find the Statement of Designation of Counsel from Elizabeth Wiskemann, in response to the FEC's letter to her dated May 14, 2013. Mrs. Wiskemann informs me that she probably received it on May 20, 2013.

It will take considerable time for me to review all of her federal contributions made in 2011-2012. She has just retained this firm to assist her in making a complete answer to the complaint. She and her accountant are compiling her records.

We respectfully seek an extension of an additional 30 days to reply.

The CREW complaint and the HuffPost attachment did not include a list of contributions that they believed our client made in 2011-2012. If either provided it to the FEC, may I have a copy?

If the FEC has made a list of the contributions that it believes our client made in 2011-2012, may I have a copy?

If there is anything else the FEC needs from me now, please do not hesitate to ask.

Chip Nielsen

Vigo G. Nielsen, Jr.
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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3023

MUR # 6734

NAME OF COUNSEL: Vigo G. Nielson, Jr.

FIRM: Nielsen Marksmen Parrinello Gross & Leon LLP

ADDRESS: 2350 Kerner Boulevard, Suite 250

San Rafael, CA 94901

TELEPHONE- OFFICE (415) 389-6800

FAX (415) 388-6874

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

5-30-13
Date

E. J. H. Williams
Respondent/Agent -Signature

Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: ELIZABETH WISKEMANN

C/O Joe SILVESTRI

MAILING ADDRESS:
(Please Print)

Princeton House Coopers
3 EMBARCADERO CENTER
SAN FRANCISCO, CA 94111

TELEPHONE- HOME (

BUSINESS (415) 493 6220

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 3006

Attachment #2

140444262488



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 31, 2013

VIA FIRST CLASS MAIL

Vigo G. Nielsen, Jr.
Nielsen Merksamer Parrinello Gross & Leoni LLP
2350 Kerner Boulevard
Suite 250
San Rafael, CA 94901

RE: MUR 6734
Elizabeth Wiskemann

Dear Mr. Nielsen:

This is in response to your letter dated May 31, 2013, which we received that day requesting a 30-day extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on or before July 6, 2013.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

Frankie D. Hampton
Frankie D. Hampton, Paralegal
Complaints Examination and
Legal Administration